

Serial No. 10/579,692
Amendment dated May 25, 2007
Reply to Non-Final Office Action of March 9, 2007

In the Drawings:

Figs. 1, 2 and 5 have been amended. Accordingly, replacement sheets for drawing sheets 1, 2 and 4 are appended hereto.

REMARKS

Summary

Claims 13-26 were pending and all of the claims were rejected in the present Office action. The Applicant has carefully considered the reference and the arguments presented by the Examiner, and respectfully submits that a *prima facie* case of anticipation has not been made out.

Drawing and Claim Objections

Drawings

The Examiner objected to Figs. 1, 2 and 5 on the basis that some of the boxes or lines on the drawing were indicated by reference numerals, but no legend was provided. This objection appears to be based on differences in practice between the PCT and the USPTO. The Applicant presumes that the Examiner considers these changes to be of the nature of clarification of the drawings and has made the changes requested on that basis. No new matter has been added.

Claims

The Examiner has noted that the Preliminary Amendment of May 16, 2006 cancelled Claims 1-12. This was a typographical error. In the PCT application as filed, there were originally 12 claims, which were amended before the international search to 10 claims. The claims in the present application were numbered from 11, so as to be compatible with the PCT application on which the International Preliminary Examination Report (IPER) was issued. However, in order to avoid further confusion in the record, the present response amends the claim numbers and the claim referencing to conform to the Examiner's numbering, without any other change.

Claim 13 is objected to on the basis that the phrase "adapted to" is used, "without providing what the adaptation is that has been performed on the

compensation device.” The Examiner suggests that the phrase “configured to” be used as the Examiner considers the component to be unmodified.

The Applicant respectfully traverses this objection and respectfully requests that the objection be withdrawn as not being in accordance with any rule or practice. The Applicant is entitled to use appropriate words, which are not misleading, to describe the invention as claimed. The Applicant does not accept that the Examiner’s characterization of the word “adapted” or the word “configured” is definitive. The meaning of the word “adapted” will be apparent to a person of ordinary skill in the art when reading the specification of the application and the claim.

Claim Rejections

35 U.S.C. § 102(b)

Claims 13-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lenz (US 6,448,755; “Lenz”). The Applicant respectfully traverses this rejection on the basis that a *prima facie* case of anticipation has not been made out.

Claim 13 recites, *inter alia*, a compensation device adapted to connect to the electrical energy source and to measure a first parameter value.

The Examiner asserts that the reference teaches “a compensation device configured to connect to the electrical energy source of figures 1 and 2 and to measure a first parameter value (i.e., an actual value of an output supply voltage)....” (Office action item 10, first paragraph). The “output supply voltage” taught by the reference is provided by the output stage [6] and is detected by the actual value detector [7]. However, the Examiner has neither explained where the “electrical energy source” of the device of the reference can be found, nor found any support for the assertion that the “compensation device is configured to connect to the electrical energy supply source”. The Applicant respectfully submits that nothing in the reference associates the electrical supply voltage with the “actual value of an output supply voltage.”

The Examiner identifies the first parameter with "an actual value of an output supply voltage....". However, in rejecting Claim 14, the Examiner asserts that the "regulator signal (RS) 9....is a function of a second parameter value (i.e. an amplifier output voltage or a load current)". The slight change in descriptive wording does not change the situation that obtains in the reference that the first and second parameter values as characterized by the Examiner represent "the value of an output supply voltage." As such, the terms first and second parameter value as characterized by the Examiner refer to the same thing in the reference, and the reference therefore does not teach that there are distinct first parameter value and second parameter values to be measured. The use of two terms to refer to the same thing is ambiguous, and an ambiguous reference cannot be used in making an anticipation rejection. (*In re Turlay*, 304 F.2d 893, 899 134 USPQ 355, 360(CCPA 1962)).

For at least these reasons, the reference does not teach all of the elements and limitations of Claim 13 and the claim is therefore allowable. Claims 14-19, being claims dependent on an allowable claim are allowable, without more.

Claim 20 recites the allowable subject matter of claim 13, and is therefore allowable for the same reasons.

Claim 21 is a method claim and is allowable for the same reasons as Claim 13. Claims 22-26 are claims dependent on an allowable claim and are allowable, without more.

In the Office action, at Item 10, last line, the Examiner makes reference to substantially all of the disclosure of the specification of the reference ("see figures 1 and 2, col. 1 line 38 through col. 4 line 19") in supporting the rejection. Since no point cites are provided, the Applicant is unable to identify the specific nature of the teaching that has been applied. The Applicant respectfully submits that, should the present traverse not be accepted, the next Office action should be non-final so that a proper response may be made.

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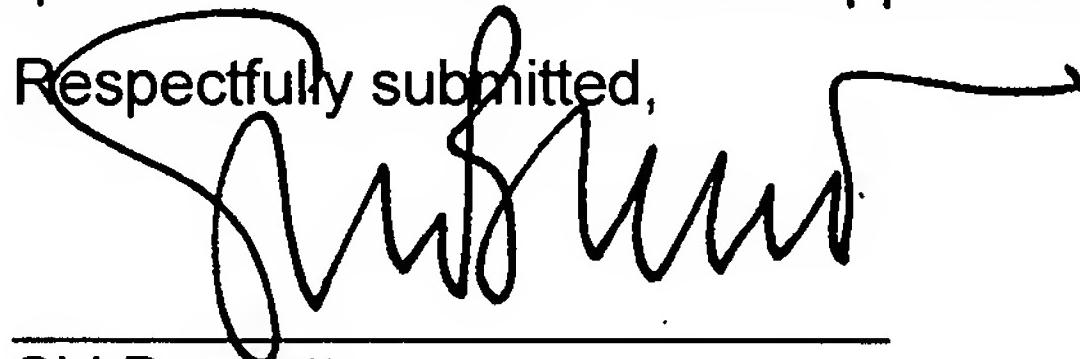
Conclusion

Claims 13-26 are pending.

For at least the reasons given above, the Applicant respectfully submits that the pending claims are allowable and looks forward to the early issuance of a Notice of Allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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